

50



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,532	01/28/2002	Michael Wayne Brown	AUS920010518US1	3835
43307	7590	01/13/2005	EXAMINER	
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			ZHOU, TING	
			ART UNIT	PAPER NUMBER
			2173	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,532

Applicant(s)

BROWN ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed on 26 November 2004 have been received and entered. Claims 1-18 as amended are pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 6-10, 12-16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonura et al. U.S. Patent 6,670,970.

Referring to claims 1, 7 and 13, Bonura et al. teach a method, system and program comprising a graphical user interface (Abstract and Figure 7A), detecting a total current use associated with each of a plurality of displayable objects (detecting the total use of each of the

Art Unit: 2173

displayed windows via whether the information in the floating windows are being updated; for example, if the window is being used, i.e. the window has been updated with new information, then the total current use of the window is 100%) (column 3, lines 40-65 and column 5, line 47 – column 6, line 12), and automatically selectively adjusting a transparency associated with each of the plurality of displayable objects to reflect a percentage of the total current use by each of the plurality of displayable objects, such that recent use of the at least one of the plurality of displayable objects is graphically represented (upon detecting updated information in a floating window, or that there has not been any new information for a predetermined amount of time, the window's transparency can be adjusted in steps to reflect this status, i.e. the window changes from being opaque to being 20% transparent; for example, window 500 becomes 20% translucent to reflect the percentage of the total use of the window, i.e. 80% use of the window reflecting the window has not been updated in 5 seconds, and window 500 becomes 40% translucent to reflect the percentage of the total use of the window, i.e. 60% use of reflecting the window has not been updated for three more seconds, etc.) (column 3, lines 40-65, column 5, line 47 – column 6, line 28 and column 7, lines 10-44). This is further shown in Figures 7A-7D.

Referring to claims 2, 8 and 14, Bonura et al. teach detecting idleness of the plurality of displayable objects (when the floating window is idle for a period of time, or it has not been updated for a certain time, the window becomes translucent) (column 5, lines 47-57).

Referring to claims 3, 9 and 15, Bonura et al. teach detecting active use of the plurality of displayable objects (detecting information in the floating window has been changed, or updated) (column 3, lines 52-55 and column 6, lines 2-5).

Referring to claims 4, 10 and 16, Bonura et al. teach adjusting the transparency associated with each of the plurality of displayable objects according to user recently used preferences (the user can set the transparency reduction of the floating windows such that for example, the window's opacity is gradually reduced in steps of 25%) (column 3, lines 56-65).

Referring to claim 6, 12 and 18, Bonura et al. teach adjusting the transparency associated with each of the plurality of displayable objects, wherein the transparency adjusts according to a comparison of use of each of the plurality of displayable objects (the transparency of a floating window is adjusted according to whether the window is being used, i.e. whether there is a change in the window's information) (column 3, lines 43-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bonura et al. U.S. Patent 6,670,970, as applied to claims 1, 7 and 13 above, and Shields et al. U.S. Patent 5,949,418.

Referring to claims 5, 11 and 17, Bonura et al. teach all of the limitations as applied to claims 1, 7 and 13 above. In addition, Bonura et al. further teach a value of the transparency associated with the at least one of the plurality of displayable objects reaching a particular

Art Unit: 2173

threshold (Bonura et al.: column 10, lines 63-67 through column 11, lines 1-4, and column 12, lines 13-17). However, Bonura et al. fail to explicitly teach minimizing the at least one of the plurality of displayable objects from a graphical window to a minimized graphical icon representing the graphical window. Shields et al. teach an interface for displaying objects (windows) (Shields et al.: column 1, lines 56-58) similar to that of Bonura et al. In addition, Shields et al. further teach minimizing the at least one of the plurality of displayable objects from a graphical window to a minimized graphical icon representing the graphical window (minimizing the window to a graphical icon, or button on the taskbar) (Shields et al.: column 1, lines 52-67 and Figure 3). It would have been obvious to one of ordinary skill in the art, having the teachings of Bonura et al. and Shields et al. before him at the time the invention was made, to modify the selective adjustment of a window's transparency of Bonura et al. to include the minimization of objects taught by Shields et al. One would have been motivated to make such a combination in order to preserve screen space and reduce clutter, allowing for a device with miniaturized display screens, such as handheld PCs to efficiently utilize the display space.

Response to Arguments

4. Applicant's arguments filed 26 November 2004 have been fully considered but they are not persuasive.

With respect to claims 1, 7 and 13, the applicant argues that Bonura does not teach adjusting the transparency of each displayable object according to a percentage of the total current use by each of the displayable objects. The examiner respectfully disagrees. For example, if there are two objects, the floating window 500 and the displayed object 510 of Figure

4, floating window 500 has a total current use, or initial translucency, i.e. 100% opaqueness for indicating that the window has been updated with new information; the transparency of floating window 500 can be adjusted in steps according to a percentage of the total use by each of the displayable objects, or the Decay rate at which windows become translucent, i.e. if floating window 500 has not been updated with information for 5 seconds, the translucency increases 10%, making object 510 10% visible to indicate the percentage of the total current use of the window 500, 90% and object 510, 10%; if floating window 500 is not updated with information for another 5 seconds, the translucency of the window increase to 20% translucent, making object 510 20% visible to indicate the percentage of the total current use of the window 500, 80% and object 510, 20% (column 5, line 47 – column 6, line 28 and column 7, lines 10-44). Therefore, Bonura teaches adjusting the transparency, or visibility of each displaying object according to the percentage of the total current use by each of the objects, or the decay rate by which objects become translucent/visible.

5. Applicant's arguments with respect to claims 5, 11 and 17 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

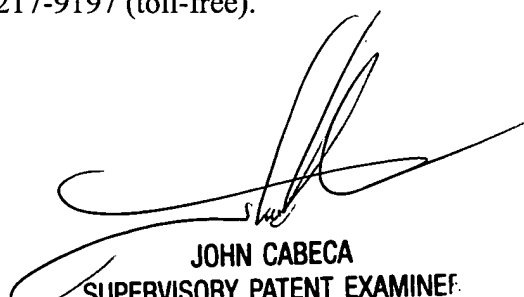
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-4058.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7 January 2005



JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

